

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR THE CALLING OF A SPECIAL ELECTION ON THE QUESTION OF IMPOSING A ONE-HALF PERCENT (.50%) CITYWIDE RETAILERS' SALES TAX TO BE EFFECTIVE OCTOBER 1, 2002, FOR A TERM OF THIRTEEN YEARS, FOR THE PURPOSES OF 1) FINANCING THE CONSTRUCTION AND OPERATION OF A REGIONAL SPORTS AND ENTERTAINMENT CENTER AND RENOVATIONS TO THE KANSAS COLISEUM, INCLUDING PROVISION FOR THE PAYMENT OF ANY GENERAL OBLIGATION OR REVENUE BONDS BACKED BY A PLEDGE OF CITYWIDE RETAILERS' SALES TAX REVENUES AND ISSUED FOR SUCH PURPOSES AND THE FUNDING OF RESERVES FOR MAINTENANCE AND OPERATING COSTS OF SUCH FACILITIES, 2) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF A PORTION OF THE CITYWIDE RETAILERS' SALES TAX PAID BY QUALIFIED SENIOR CITIZENS, 3) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF THE CITYWIDE RETAILERS' SALES TAX AND AN ALLOWANCE EQUAL TO THE COUNTYWIDE RETAILERS' SALES TAX COLLECTED ON THE SALES PRICE OF ANY NEW OR USED AUTOMOBILE SOLD WITHIN THE CITY OF WICHITA BY AN AUTOMOBILE DEALER, AND 4) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF INFRASTRUCTURE IMPROVEMENTS RELATED TO THE REGIONAL SPORTS AND ENTERTAINMENT CENTER AND COSTS ASSOCIATED WITH YOUTH SPORTS PROGRAMMING AND FACILITIES IN THE CITY; STATING THE PURPOSE FOR WHICH THE REVENUES GENERATED BY SUCH CITYWIDE RETAILERS' SALES TAX ARE TO BE USED, AND STATING THE TIME OF THE SPECIAL ELECTION THEREFOR, ; AUTHORIZING AND PROVIDING FOR THE CALLING OF SUCH SPECIAL ELECTION TO BE HELD IN THE CITY OF WICHITA ON TUESDAY, MAY 21, 2002, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF ENACTING SUCH CITYWIDE RETAILERS' SALES TAX; AND AUTHORIZING AND PROVIDING FOR THE CONDUCTING OF SAID SPECIAL ELECTION; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH SPECIAL ELECTION.**

**WHEREAS**, K.S.A. 12-187 *et seq.*, as amended (the "Act") authorizes the governing body of the City of Wichita (the "Governing Body") to submit to the electors of the City of Wichita (the "City") the question of imposing a Citywide retailers' sales tax for the purposes of financing various public improvements and supporting the cost of targeted sales tax rebate or allowance programs, and such other purposes and programs as may be approved by a majority of the electors voting thereon; and

**WHEREAS**, the Act also authorizes the City to issue bonds to finance public improvements, which bonds shall be payable from and secured by the proceeds of such sales tax; and

**WHEREAS**, the City has proposed to acquire land and construct, furnish and equip a new Regional Sports and Entertainment Center within the City; and

**WHEREAS**, in order to finance such improvements, the City anticipates issuing sales tax anticipation revenue bonds, which may also be backed by a general obligation pledge, supported both by tax revenues produced by the Citywide retailers' sales tax and by ad valorem property taxes levied on all property within the City; and

**WHEREAS**, the Governing Body deems it advisable to assist in the repayment of such bonds from the proceeds of a one-half percent (.50%) retailers' sales tax to be imposed within the limits of the City, thus indirectly relieving residents of the City from a portion of the ad valorem property taxes which may otherwise be necessary to repay the bonds; and

**WHEREAS**, the Governing Body deems it advisable to provide for the calling of a special question election in the City for the purpose of submitting to the qualified electors of the City the question of imposing a special one-half percent (.50%) Citywide retailers' sales tax, to take effect October 1, 2002, for a period of thirteen years, for the purposes of 1) financing the construction and operation of a Regional Sports and Entertainment Center and renovations to the Kansas Coliseum, including provision for the payment of any general obligation or revenue bonds backed by a pledge of Citywide retailers' sales tax revenues and issued for such purposes and the funding of reserves for maintenance and operating costs of such facilities, 2) paying, on a basis subordinate to payment of debt service on any bonds, the costs of a program established under a separate ordinance of the City for rebate of a portion of the Citywide retailers' sales tax paid by qualified senior citizens, 3) paying, on a basis subordinate to payment of debt service on any bonds, the costs of a program established under a separate ordinance of the City for rebate of the Citywide retailers' sales tax and an allowance equal to the Countywide retailers' sales tax collected on the sales price of any new or used automobile sold within the City's corporate limits by an automobile dealer, and 4) paying, on a basis subordinate to payment of debt service on any bonds, the costs of infrastructure improvements related to the Regional Sports and Entertainment Center and costs associated with youth sports programming and facilities in the City; and

**WHEREAS**, in order to authorize such Citywide retailers' sales tax, it is deemed advisable to call a special question election in the City to be held on Tuesday, May 21, 2002;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**SECTION 1. Public Purpose.** Assuming that qualified electors of the City vote in favor of such in an appropriate special question election, it is hereby deemed necessary and advisable and in the best interests of the citizens of the City to assist in the financing of the construction and operation of the proposed Regional Sports and Entertainment Center, renovations to the Kansas Coliseum, the costs of infrastructure improvements related to the Regional Sports and Entertainment Center and costs associated with youth sports programming and facilities in the City, and the establishment and maintenance of the City's Citywide retailers' sales tax rebate and allowance programs in relation to a

portion of such tax paid by senior citizens and in relation to the City and Countywide retailers' sales tax paid on sales of new and used automobiles sold by automobile dealers within the corporate limits of the City, for the period in which the Citywide retailers' sales tax is in effect.

**SECTION 2. Citywide Sales Tax.** In order to support the payment of the principal of and interest on general obligation bonds and/or sales tax anticipation revenue bonds which may be issued by the City to construct the Regional Sports and Entertainment Center and renovations to the Kansas Coliseum, and in order to provide funds for the operation of, and for operating and maintenance reserves for such facilities, and the establishment and maintenance of the City's Citywide retailers' sales tax rebate and allowance programs in relation to a portion of such tax paid by senior citizens and in relation to the City and Countywide retailers' sales tax paid on sales of new and used automobiles sold by automobile dealers within the corporate limits of the City, the payment of costs of infrastructure improvements related to the Regional Sports and Entertainment Center and payment of costs associated with youth sports programming and facilities in the City, it is necessary and advisable pursuant to the authority of the Act to institute the Citywide retailers' sales tax. Collection of the Citywide retailers' sales tax, if approved by the electors of the City, shall commence on October 1, 2002; and shall terminate thirteen years thereafter. The implementation of the Citywide retailers' sales tax shall not be effective unless a majority of the qualified electors of the City voting on such proposition shall vote in favor thereof at a special question election to be held in the City for that purpose.

**SECTION 3. Special Question Election.** It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on May 21, 2002, at which time there shall be submitted to the qualified electors of the City the following proposition:

**PROPOSITION NO. 1-CITYWIDE RETAILERS' SALES TAX**

Shall the following be adopted?

Shall the City of Wichita, Kansas, be authorized, pursuant to the authority of K.S.A. 12-187 *et seq.*, as amended, to impose a one-half percent (.50%) retailers' sales tax to be effective October 1, 2002, for a term of thirteen years, for the purposes of 1) financing the construction and operation of a Regional Sports and Entertainment Center and renovations to the Kansas Coliseum, including provision for the payment of any general obligation or revenue bonds backed by a pledge of Citywide retailers' sales tax revenues and issued for such purposes and the funding of reserves for maintenance and operating costs, 2) paying, on a basis subordinate to payment of debt service on any bonds, the costs of a program established under a separate ordinance of the City for rebate of a portion of the Citywide retailers' sales tax paid by qualified senior citizens, 3) paying, on a basis subordinate to payment of debt service on any bonds, the costs of a program established under a separate ordinance of the City for rebate of the Citywide retailers' sales tax and an allowance in the amount of the Countywide retailers' sales tax collected on the sales price of any new or used automobile sold by an automobile dealer within the City of Wichita, and 4) paying, on a basis subordinate to payment of debt service on any bonds, the costs of infrastructure improvements related to the Regional Sports

and Entertainment Center and costs associated with youth sports programming and facilities in the City?

**SECTION 4. Special Question Election Procedures.** The votes at said special question election shall be by ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The City Clerk shall cause the Sedgwick County election officer to give notice of the election as provided by law by publishing a Notice of Special Question Election once each week for two (2) consecutive weeks in *The Wichita Eagle*, with the first publication to be not less than twenty-one (21) days prior to the date of the election, and the last publication being not more than forty-five (45) days prior to the date of the election. The form of the Notice of Special Question Election shall be prepared or approved by the City Attorney and submitted to the Sedgwick County election officer in a timely fashion in order to provide for such publications.

**SECTION 5. Effective Date.** This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City of Wichita, Kansas, and publication once in the official newspaper of the City.

PASSED by the Governing Body of the City of Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

CITY OF WICHITA, KANSAS

By \_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

\_\_\_\_\_  
Pat Burnett, City Clerk

(SEAL)

Approved as to Form:

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Gary E. Rebenstorf  
City Attorney